IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10486 of 2005

Between:

M.Nageswar Rao, S/o.Venkateswar Rao,
R/o.D.No.10-2-36, Balajiraopet, Ongole.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Ongole, Prakasam District.
2 The Motor Vehicle Inspector, Regional Transport Authority, Hyderabad (S.V.Duty).

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of a writ of Mandamus, declaring the seizure of the petitioner's vehicle bearing No.AP/27U 5868 seized under vehicle check report No.2530059, dated 27-4-2005 by the 2nd respondent as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicle of the petitioner forthwith.

Counsel for the Petitioner:MR.B.SIVA RAMA KRISHNAIAH

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the admission stage made the following O R D E R:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in seizing the petitioner's vehicle bearing registration No.AP/27U 5868 under vehicle check report No.2530059, dated 27.04.2005 as illegal and arbitrary and consequently direct the respondents to release the vehicle of the petitioner forthwith.

The vehicle in question belonging to the petitioner was seized on 27.04.2005 by the 2nd respondent on the ground of certain irregularities alleged to have been committed by the petitioner, which are mentioned in the vehicle check report No.2530059.

Having regard to the facts and circumstances of the case, I consider it appropriate to dispose of the writ petition directing the respondents to forthwith release the subject motor vehicle to the interim custody of the petitioner subject to the petitioner depositing the tax due if any and on filing an undertaking to the effect that he would not alienate, sell, encumber or transfer the vehicle in question in favour of third parties, pending enquiry before the 1st respondent and he shall produce the vehicle as and when required by the respondent-authorities in the course of enquiry and investigation and that the petitioner shall produce the original

documents of the vehicle.

Accordingly, the writ petition is disposed of. No costs.

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(K.C.BHANU,J)

Dt:28th April, 2005

To

1 The Secretary, Regional Transport Authority, Ongole, Prakasam District.
2 The Motor Vehicle Inspector, Regional Transport Authority, Hyderabad (S.V.Duty).

3 Two CCs to G.P. for Transport, High Court of A.P., Hyderabad (OUT)

4 Two CD copies.